

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6371 OF 2007

Shri Popat Bhausaheb Saste & Anr. ... Petitioners

V/s.

Smt.Nagubai Eknath Gadge & Ors. ... Respondents

Mr.H.G. Wakshe for Petitioners

Mr.G.S. Godbole with P.M. Arjunwadkar for Respondent
Nos.1 to 7

CORAM: SMT.NISHITA MHATRE, J.

DATED: DECEMBER 6, 2007

P.C.:

. This petition challenges the order passed by the Civil Judge, Senior Division, Panvel on 17.7.2007 refusing to permit the plaintiff to amend his suit. The plaintiff had contended that through a typographical error, he had not mentioned the correct plot numbers which were described in the agreement of sale dated 19.7.2002 in his plaint filed in the suit for specific performance. The trial Court has for cogent reasons disallowed the amendment application. It has held that the amendment sought would change the description of the suit property in the plaint. The suit had been filed in respect of the plot allotted by CIDCO being unit case No.70 at Kamothe while the amendment claims that besides unit case No.70, unit case Nos.14, 14A and 14B of Tembhode are also to be included in the plaint.

2. In my opinion, there is no need to interfere with the order impugned as by the amendment the petitioner is seeking to increase the number of plots mentioned in the plaint, thereby changing the description of the suit property.

3. Petition rejected.